

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 679 - SB 782

March 25, 2015

SUMMARY OF BILL: Prohibits the State and its political subdivisions from assisting, participating with, or providing support to a federal agency in the collection or use of a person's electronic data or metadata without (1) the person's informed consent; (2) a search warrant; or (3) acting in accordance with a recognized exception to the warrant requirement.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The bill does not define "electronic data or metadata." It is assumed that "electronic data or metadata" refers to a person's identifiable information contained within their personal electronic devices, which was the subject of the United States Supreme Court's holding in *Riley v. California*, 573 U.S. ___, Docket Nos. 13-132 and 13-212, 134 S. Ct. 2473 (2014).
- The Supreme Court held that the government could not search a person's mobile phone without a warrant. The bill essentially codifies current law relative to protected electronic data.
- The Department of Agriculture, the Department of Commerce and Insurance, the Department of Children's Services, the Department of Intellectual and Developmental Disabilities, the Department of Education, the Department of Finance and Administration, the Department of Financial Institutions, the Department of Health, the Department of Human Resources, the Department of Revenue, and the Department of Safety confirm that the bill will not significantly impact their operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding".

Jeffrey L. Spalding, Executive Director

/trm

HB 679 - SB 782